

Minutes of Regular Meeting Of Belmont City Council Tuesday, March 25, 2003

CALL TO ORDER 7:30 P.M.

ROLL CALL

Councilmembers Present: Metropulos, Bauer, Warden, Wright

Councilmembers Absent: None

Staff Members Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, City Engineer Jones, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by City Clerk Cook.

SPECIAL PRESENTATIONS

Presentation of National Library Week 2003 Proclamation

Proclamation presented by Mayor Wright.

Linda Chiochios, Branch Manager of the Belmont Library, described the various technological advances in library services.

Joan Peceimer, President of the Friends of the Belmont Library, announced upcoming events at the library to celebrate National Library Week.

PUBLIC COMMENTS AND ANNOUNCEMENTS

M. Sanchez, Carlmont High School Alumni Association, announced upcoming 50th Anniversary events at Carlmont during first week of April. She stated that on Tuesday, April 1, there will be a concert featuring the alumni chorus and band, and on Saturday, April 5, there will be an Open House, featuring the first-ever Hall of Fame induction, and a 50's and 60's fashion show. She invited the community to attend these events.

J. Allen, Alameda de las Pulgas, thanked Councilmember Bauer for saving her from choking at a recent dinner, and suggested the City provide information to public about the hazards of choking.

J. Penn, Notre Dame Avenue, spoke regarding his concerns with lack of landscaping on the pathway on Notre Dame Avenue adjacent to the high school. He stated that since trees were removed from the pathway, lighting from the school is very bright in the residential neighborhood.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Bauer announced he attended an Open House for the CID (Center for the Independents for the Disabled) and presented a plaque of appreciation to the City of Belmont from the CID Board. He stated that CID appreciates the ability to be able to lease the old fire station site from the City.

Vice Mayor Metropulos announced he and Councilmember Warden attended the Lions Club's annual public safety service awards banquet, and that Police Officer Rich Wheaton and South County Firefighter Joe Kinson were honored.

Vice Mayor Metropulos also announced he had attended an Eastern Indian cultural ceremony the previous Saturday.

Mayor Wright announced he had attended the Little League kickoff ceremony the previous Saturday.

CONSENT CALENDAR

Approval of meeting minutes: Special and Regular City Council Meeting of 2/25/03; Special City Council Meeting of 2/28/03; Special City Council Meeting of 3/3/03; Special City Council Meeting of 3/8/03 (Council Workshop).

Approval of Warrant List Dated: March 7, 2003, in the total amount of \$790,276.68, and March 14, 2003, in the total amount of \$356,998.28.

Acceptance of Written Communication 1) Letter dated March 4, 2003, from the Public Utilities Commission re Application 97-12-020, et al., Draft Decision of Administrative Law Judge Wetzell.

Motion to approve Claims Management Report.

Motion to waive reading of Ordinances.

Approval of Resolution 9383 authorizing the purchase of hardware, software, and installation and support services for the City's financial system from Watchdog, Inc., in the amount of \$48,089.00.

Action: On a motion by Councilmember Bauer, seconded by Councilmember Warden, the Consent Agenda was unanimously approved by a show of hands.

PUBLIC/HEARINGS

To Consider a Rate Increase, Franchise Fee Increase, and Rate Restructuring for Solid Waste Management Services.

Associate Civil Engineer Phalen stated that as a result of recent Council action, the City was preparing to implement increases to the rates and the franchise fees for solid waste management services provided by BFI. She explained that there were three components of the recommended increases: 1) an increase in the franchise fee from 5 to 10 percent, 2) a restructuring of the solid waste disposal fees to encourage recycling, and 3) an increase to the overall revenues and the reserves to cover the increase in operating costs. She clarified that Council could choose one of two options to accomplish the third item: 1) a one-time raise of 13.6%, effective immediately, or an incremental raise of 7.6% on April 1, 2003, January 1, 2004, and January 1, 2005, respectively, which would result in an average annual raise of 6%.

Associate Civil Engineer Phalen also stated that the current rate structure penalizes low volume solid waste producers, who recycle at a higher rate, and that the new fee structure would pass additional costs to the higher volume customers.

John Zirelli, General Manager, BFI Industries, stated that the last increase in franchise fees was in 2000, and that BFI did not object to the raise at this time. He also stated that BFI staff distributes information regarding recycling and methods of reducing their volume of solid waste through newsletters, and through presentations to service clubs and other organizations. He advised that BFI's recycling coordinator will make contact with all the high volume producers to identify ways to reduce their solid waste and achieve a higher recycling rate, thereby reducing their costs.

Associate Civil Engineer Phalen stated that under the new rate structure, residents would likely pay less, and commercial customers would pay more. In response to a question from Councilmember Bauer, Mr. Zirelli clarified

that the raise represented a difference of \$.82 per month for one 32-gallon can.

Mayor Wright opened the Public Hearing. No one came forward to speak.

Action: On a motion by Councilmember Warden, seconded by Councilmember Bauer, and unanimously approved by a show of hands, the Public Hearing was closed.

Council discussion ensued, and there was concurrence that a one-time raise of 13.6% would be the better alternative.

Action: On a motion by Councilmember Bauer, seconded by Councilmember Metropulos, Resolution 9384 Approving a Rate Increase of 13.6%, a Franchise Fee Increase to 10%, and Rate Restructure for Solid Waste Management Services was unanimously approved by a show of hands.

To Consider an Amendment to the Belmont Zoning Ordinance, regarding the definition of "Floor Area, Gross".

Community Development Director Ewing stated that this minor change to the zoning ordinance was initiated by the Planning Commission as a means to correct an existing discrepancy between the Building Code and the Zoning Ordinance. He explained that the City currently uses a 7-foot height limit to determine finished and unfinished space that qualifies as floor area, and the proposal changes that height limit to 6½ feet. He further commented that the Council must make a finding that the amendment meets the goals and objectives of the General Plan, and that the Planning Commission's recommendation is that it does meet those goals.

In response to Council questions, Community Development Director Ewing clarified that should this amendment be adopted, existing or new finished or unfinished space between 6½ and 7 feet would be captured in future floor area calculations.

Action: On a motion by Councilmember Bauer, seconded by Councilmember Metropulos, and unanimously approved by a show of hands, the Public Hearing was closed.

Councilmember Bauer stated that he didn't see a need for the change, that this has not been a problem, and that it penalizes storage space. Councilmember Warden stated that some houses have finished and unfinished spaces over 6½ feet which could be used as living space. He also

stated that it is the Planning Commission's job to look at these kinds of issues, and to make recommendations to the Council.

Community Development Director Ewing clarified that there was not a specific application that generated the review of this issue. He further clarified that the Planning Commission brought it up on its own, because it perceived the mismatch between the zoning ordinance and the building code.

Action: On a motion by Councilmember Warden, seconded by Councilmember Metropulos, and approved 3-1 by a show of hands (Bauer, no), to introduce an ordinance amending the Belmont Zoning Ordinance, regarding the definition of "Floor Area, Gross", to waive further reading, and to set the second reading and adoption on April 8, 2003.

OLD BUSINESS

Priority Calendar: Step Three – Adopting the Calendar

Assistant City Manager Rich stated that at the previous meeting, Council reviewed a total of 25 items for prioritization, placed five of those items "below the line", and ranked the remaining 20. He clarified that it was staff's recommendation that seven of the 20 items be taken up over the course of the next six months, and that the milestones and timelines for each of those items have been outlined. The seven items are:

1. Legislation for Special Elections (City Manager)
2. Planned Development Review (Community Development)
3. Secondary Dwelling Units (Community Development)
4. Performing Arts Center (Parks and Recreation)
5. Youth Commission (Parks and Recreation)
6. Creek Restoration (Public Works)
7. Creek Maintenance and Easements (Public Works)

Assistant City Manager Rich clarified that normally staff starts from the top of the Council's priority list and works it way down the list, but was making an exception at this time. He stated that, while Commercial Zoning had been ranked the Council's top priority for the Community Development

Department, it was staff's recommendation to place that item "below the line" since the upcoming visioning process and General Plan Update may direct the implementation of commercial zoning. Staff also recommended that the creek items be placed "below the line" since the County was working on pollution control issues that may impact creek restoration.

Assistant City Manager Rich also presented the Priority Calendar, which outlines milestones of each of the items relative to Council meeting dates through the end of the year. He clarified that these were special projects to be managed over and above the day-to-day responsibilities of each of the departments.

In response to Council questions regarding the availability of grant money for shuttle programs, City Manager Kersnar stated that staff would confirm with C/CAG whether or not there is money available, and will revise the priority calendar to include this program, if applicable.

Action: On a motion by Councilmember Warden, seconded by Councilmember Bauer, the Project Descriptions were unanimously approved by a show of hands.

Action: On a motion by Councilmember Bauer, seconded by Councilmember Metropulos, the Priority Calendar was unanimously adopted by a show of hands.

Discussion and Direction regarding Arts Commission Vacancy

City Clerk Cook stated that following the commission appointments made at the Council meeting on March 11, a vacancy still existed on the Arts Commission. She clarified that staff was seeking direction on whether or not the Council wished to pursue either filling that vacancy or leaving it vacant until the next cycle in 2004.

Council discussion ensued, and there was consensus to leave the position vacant, but that if the commission had difficulties meeting a quorum due to absences, the matter would be brought back to Council for direction.

NEW BUSINESS

Discussion and Direction regarding Proposed Amendments to Chapter 15 Offenses - Miscellaneous; Article II, Weapons; Division 2, Firearms; and Division 3, Prohibition on the Sale of Saturday Night Specials, Also Known as Junk Guns.

City Attorney Savaree stated that this Chapter was being taken out of order in her systematic update of the City Code due to a request from the National Rifle Association and the California Rifle and Pistol Association. She explained that the proposed amendments strengthen the language regarding the prohibition of firearms sales to minors, changed the penalty phase to be consistent with other sections of the City Code, and removed the language restricting the sale of junk guns. She clarified that since State law now prevails, the District Attorney is the one who prosecutes infractions involving these types of weapons.

In response to a question from Councilmember Warden, Police Chief Janke stated that there are a few licensed firearm dealers in Belmont, and that sales between private parties are prohibited. He also clarified that information about firearm dealers is likely available to the public through the Bureau of Alcohol, Tobacco and Firearms.

George Kranen, Notre Dame Avenue, asked whether the sale or transfer of BB guns to minors was prohibited. City Attorney Savaree stated that they were not prohibited under the definitions as outlined in the ordinance.

There was Council concurrence to make the changes as presented, and the Ordinance would be set for Public Hearing at the next Council meeting.

BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS

Outdoor Recreation Task Force Update.

Parks and Recreation Director Mittelstadt stated that this report served as an update on the work that had been done by the Outdoor Recreation Task Force (ORTF) since its inception in July 2002. He explained that the Task Force had been charged with establishing criteria and a dollar amount for the acquisition of open space, establishing a priority list and dollar amount for improvements to athletic fields, recommending a funding source for both, conducting a citizen's survey, and making a final recommendation to Council.

Parks and Recreation Director Mittelstadt stated that the Task Force had toured the athletic fields and had prioritized the list for improvements. He stated the Task Force had also toured Belmont's open space areas, had identified potential uses, and had developed criteria for acquisition. He outlined the tasks still to be accomplished by the Task Force prior to its final recommendation to Council in July, which will include seeking Council approval for a consultant to conduct a citizen's survey.

Eric Dentler, Vice-Chair of the ORTF, stated that the Task Force was made up of a diverse group of citizens representing a variety of interests in Belmont. He outlined the many issues that the ORTF had dealt with during its bi-monthly meetings, and that quality of life was an important value. He stated that the Task Force was assisted in its efforts by consultants who presented information on athletic fields, land use, and financing. He complimented Parks and Recreation Director Mittelstadt and Assistant City Manager Rich for facilitating the Task Force through its charge.

Councilmember Warden, who represented the City Council on the Task Force, stated that the meetings were well run, and that the group worked well together. He further stated there were many areas of consensus, but the group had concerns regarding funding.

Councilmember Bauer stated that he took the open space tour with the group and was pleasantly surprised by how quiet it was. He stated that the group was focused and realistic ideas were discussed.

Discussion ensued, and Council expressed confidence that the Task Force will make an appropriate recommendation to the Council by July.

Update on the Police Facility/City Hall Project.

Assistant City Manager Rich stated that this report was to provide a general update on the Police Facility/City Hall project, to receive Council direction on a number of issues, and to discuss the next steps. He further stated that staff was working with the architectural firm and its consultants to define options for cost savings, and to develop less intrusive and more cost-effective ways for staff to remain in the building during construction. He further clarified the current cost estimate was \$6.8 million, which was \$1 million less than the previous bid.

Assistant City Manager Rich outlined the various features of the building, including the façade, the lobby, and the landscaping. He clarified that the three areas requiring Council direction were: 1) fencing, 2) seating for the proposed Council Chambers, and 3) funding options.

Assistant City Manager Rich further stated that the Planning Commission had expressed concern with the number of different types of fencing proposed. He clarified that for aesthetic reasons, wood fencing was recommended for the areas facing the park, but that more secure fencing was needed for the police vehicular area. He stated that due to the concerns of the Planning Commission for uniformity, an all-metal fence was being recommended for the whole project.

Assistant City Manager Rich stated that Council direction was also needed regarding the installation of fixed or removable seating in the proposed Council Chambers. He clarified that a third option of semi-permanent seating could be utilized, which would provide flexibility in using the Chambers for other types of events. He also described the various audio-visual features that could be installed, but that these items could add significant cost. He also stated that the dais is proposed to be curved, approximately six inches high, and would provide space for seven chairs, plus staff.

Assistant City Manager Rich clarified that in addition to the construction estimate of \$6.8 million, non-construction costs could bring the total cost to \$9 million, and that \$7 million was currently allocated for the project. He clarified that the City had received a federal grant of \$250,000, and it was pursuing additional grants. He stated that Council direction was needed regarding an allocation of up to \$2 million from the Redevelopment Agency, whether or not to pursue fundraising such as selling commemorative bricks or plaques, and whether or not to isolate the cost of the Council Chambers as a separate bid, which could be \$250,000 to \$500,000, depending upon options.

Howard Mason, City Treasurer, stated that he was concerned with potential cost overruns, that there was no other agency available should that occur. He stated that the new fire station was being built for \$2 million, and that he felt a new police facility could be built for approximately the same amount. City Manager Kersnar responded that the \$6.8 million estimate included contingencies, but agreed that the risk for cost overruns was always present.

Councilmember Bauer stated that he liked the wood on the fence and liked the fundraising idea.

Councilmember Metropulos also liked the aesthetics of wood on the fencing, liked the idea of removable chairs to provide flexibility, liked the idea of fundraising, and was willing to commit RDA funds if necessary. He clarified that this project needs to be done, that it has been talked about for years, and it was essential to have the police facilities under one roof.

Councilmember Warden stated that City Treasurer Mason provided good financial points, but that this decision was more than financial. He further stated that a commitment had been made to the community, and that time and effort had been spent on plans for a safe building for all staff, that this building was more than just a police facility. He also stated that he didn't like the idea of leasing out space in City Hall if a separate police facility were built. He further commented that since he was committed to the project, he

would commit to the additional \$2 million from the RDA, and that he was not worried about the minor issues like fencing and seats.

Mayor Wright stated that there appeared to be consensus on the removable seating for the Chambers. He clarified that the Council had already made its decision regarding the project, and that it needed to move forward. He further clarified that although he had concerns with using RDA money for this project, he might consider it, but directed staff to continue to pursue additional cost savings. He suggested that Council not pursue fundraising for this project because of the amount of effort involved in that activity, and there would likely not be as much emotional appeal for City Hall as there would be for a future teen center or the library. There was Council concurrence not to pursue the fundraising idea.

Assistant City Manager Rich responded that staff would continue to pursue other funding sources, and that the Chamber could be bid as a separate item. He reviewed the next steps to be taken in the hopes that they could break ground in October.

Mayor Wright thanked staff for making Council's job easier by providing good options so that Council can give clear direction.

Adjournment – at this time being 9:43 P.M., the Regular Meeting of the Belmont City Council was adjourned.

Terri Cook

City Clerk

Meeting tape-recorded and videotaped.

Tape No. 551